

from Providence, R. I., on or about March 27, 1925, and transported from the State of Rhode Island into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that sesame oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Products of Italy This oil is own (our) own production and is guaranteed to be pure under any chemical analysis. It is used for * * * medicinal use," (last statement also in Italian), together with a cut showing castle, and other cuts showing olive sprays bearing olives, borne on the cans containing the article, were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13437. Misbranding of cottonseed meal. U. S. v. 125 Sacks of Cottonseed Meal. Product adjudged misbranded and released under bond. (F. & D. Nos. 20058, 20059. I. S. No. 20891-v. S. No. W-1704.)

On May 2, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 sacks of cottonseed meal, remaining in the original unbroken packages at Trinidad, Colo., consigned by the Quanah Cotton Oil Co., Quanah, Tex., alleging that the article had been shipped on or about March 24, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43% Protein" and "Crude Protein not less than 43.00 Per Cent," appearing on the labels, were false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On June 3, 1925, the Quanah Cotton Oil Co., Quanah, Tex., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$472.60, in conformity with section 10 of the act, conditioned that it be relabeled to show its true contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13438. Adulteration and misbranding of olive oil. U. S. v. 5 Gallon Tins and 11 Half-Gallon Tins of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20065. I. S. Nos. 24835-v, 24836-v. S. No. C-4727.)

On May 25, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 gallon tins and 11 half-gallon tins of olive oil, at Chicago, Ill., alleging that the article had been shipped by D. Tirabassi, from Kenosha, Wis., May 21, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Termini Inerese Brand Olive Oil One Gallon" (or "½ Gallon") "Compound," (case) "Pure Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that each of the tins containing the article was labeled "One Gallon" or "½ Gallon," as the case

might be, which statements were false and misleading and misled and deceived the purchaser, in that the said statements purported that each of the tins contained 1 gallon or one-half gallon, as the case might be, whereas each of said tins contained less than so declared. Misbranding was alleged for the further reason that the article was in package form and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On June 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13439. Misbranding of potatoes. U. S. v. Atlantic Coast Distributors. Plea of nolo contendere. Fine, \$50. (F. & D. No. 17806. I. S. No. 2062-v.)

On April 16, 1924, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Atlantic Coast Distributors, a corporation, Charleston, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 26, 1923, from the State of South Carolina into the State of New York, of a quantity of potatoes which were misbranded. The article was contained in barrels marked: "No. 1 U. S. Standard Barrel."

Examination by the Bureau of Chemistry of this department of a number of barrels of the product showed that the said barrels had a capacity less than the United States standard barrel, and they were also slack filled.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "U. S. Standard Barrel," borne on the barrels containing the said article, was false and misleading, in that it represented that the said barrels were United States standard barrels, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels were United States standard barrels, whereas they were not United States standard barrels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13440. Adulteration of canned salmon. U. S. v. 688 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17878. I. S. Nos. 8626-v, 8627-v. S. No. W-1428.)

On October 26, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,011 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Bristol Bay Packing Co., from Bristol Bay, Alaska, August 30, 1923, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Red Beauty Brand Alaska Red Salmon Packed By The Bristol Bay Packing Co. Koggiung River, Alaska." The remainder of the said article was labeled in part: (Can) "Dainty Brand Pink Alaska Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 28, 1923, the Alaska Salmon Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$9,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*